

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:13-00117

CALVIN BOSWELL

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On December 6, 2018, the United States of America appeared by Joshua C. Hanks, Assistant United States Attorney, and the defendant, Calvin Boswell, appeared in person and by his counsel, Rhett H. Johnson, Assistant Federal Public Defender, for a hearing on the petition seeking revocation of supervised release and amendment thereto submitted by United States Probation Officer Patrick M. Fidler. The defendant commenced a three-year term of supervised release in this action on October 11, 2017, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on November 8, 2013.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant violated federal and state law inasmuch as he possessed with intent to distribute cocaine on September 2, 2018, the defendant having been found by law enforcement authorities to be in possession of a substance which field tested positive for cocaine and weighed approximately 13.26 grams; and (2) the defendant used and possessed marijuana as evidenced by positive urine specimens submitted by him on November 30, 2017, and February 6, August 15, September 10 and October 3, 2018; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release and amendment thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

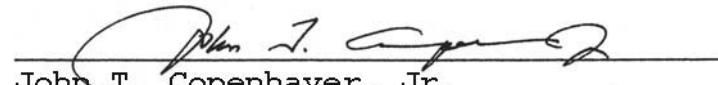
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TWO (2) YEARS imposed as to each of Counts 1, 2, 3 and 4, to run concurrently with each other, and a period of ONE (1) YEAR imposed as to each of Counts 5, 6 and 7, to run concurrently with each other and with the concurrent terms imposed on Counts 1, 2, 3 and 4, to be followed by a term of two (2) years of supervised release imposed as to each of Counts 5, 6 and 7, to run concurrently, upon the standard conditions of supervised release now in effect in this district and as previously imposed.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant be designated to FCI Gilmer.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: December 7, 2018


John T. Copenhaver, Jr.
Senior United States District Judge